

Case: 1:18: CV1562

US District Court 401 Courthouse Square, Alexandria, VA 22314

Vient, Plaintiff

vs.

Gannett Co., Inc., Defendant

### Motion to Compel Evidence

Pro-se Plaintiff Benjamin Vient motions here to compel necessary evidence from Defendant. In written requests and phone conference, Plaintiff has requested this Discovery material. To date, this information has not been provided:

- \* Identify details of usage of Plaintiff's works by Lebanon Daily News and Florida Today. Use includes distribution, reproduction, display or other manners. Details include dates and locations of Plaintiff's works. Locations include Gannett entities (such as Gannett entities evidenced in Documents: USA Today, Arizona Republic, Democrat and Chronicle, The News Star, Hattiesburg American, LoHud, Indianapolis Star, King 5, The Tennessean, AZ Central ) and non-Gannett entities (such as Newspapers.com, ProQuest, NewsLibrary.com as evidenced in Documents.)

- \* Third-party license agreements involving Florida Today and/or Lebanon Daily News and/or any Gannett entities evidenced in documents in this case, of the past 5 years.

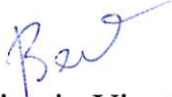
- \* In a November 16, 2018 email, Tom Curley, of Gannett's Legal Department, where Plaintiff was directed to resolve, wrote: "It's up to you to prove it in court." Besides Tom Curley, please detail who was involved with this decision-making at Gannett.

- \* A contact list of all people, since 2014, who have been involved with reviewing content related to third-party licensing, involving Florida Today and/or Lebanon Daily News and/or any Gannett entities evidenced in documents in this case.

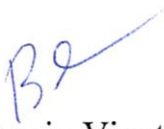
This information has not been provided from Defendant, thus necessitating this Motion to Compel. As the Second Circuit Court of Appeals recently agreed in case 17-1957-CV on August 28, 2019: Plaintiff "is **correct** that (Publisher)

*should be* able to detail its uses of (Plaintiff's works) and to pair those uses with the license limits that were imposed... demonstrating either its compliance or exposing its noncompliance with the applicable licenses." (emphasis added. Defendant filed this decision with this Court at Doc. 79, page 16, paragraph 2).

Respectfully submitted,

  
Benjamin Vient, Plaintiff Pro-Se

CERTIFICATE OF MAILING I HEREBY CERTIFY that on 2020, per previous agreement between parties to use designated email addresses, I sent a true and correct copy of the foregoing to Laurin Mills at laurin@samek-law.com.

  
Benjamin Vient

Certificate of Conference

I hereby certify that parties conferred by phone for the relief requested herein, and as of this writing <sup>F</sup>was unable to obtain.

